

16 March 1981

Personnel Procedures

MEMBERSHIP TERMINATION

This regulation establishes policies and procedures for terminating membership in Civil Air Patrol (CAP) prior to the membership expiration date.

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1. Policy:

a. Membership in CAP is a privilege and not a right. Membership is on a year-to-year basis, and annual membership renewal is subject to procedures outlined in CAPM 39-2, "Civil Air Patrol Membership," chapter 4. Membership is automatically terminated if the member fails to renew or voluntarily resigns. In addition, members must continue to meet all membership eligibility criteria and conduct themselves in an exemplary manner. If at any time a current member fails to meet the initial membership eligibility criteria, the National Commander or Executive Director may remove the member from the membership rolls.

b. Members are also required to comply with the CAP Constitution, Bylaws, regulations, policies, and orders of higher authority. If at any time during the membership year a commander determines continued membership to be adverse to the best interest of CAP, the member concerned may be terminated prior to his/her membership expiration date. Specific reasons for terminating cadet and senior membership are outlined below.

c. Termination action should be initiated at the lowest command level possible. This means that if a member subject to termination action is assigned to a squadron or group, the commander of the unit should initiate the termination action. Only in rare or isolated cases should a wing or region commander initiate a termination action.

2. Terms Used:

a. The term "unit commander" is all inclusive throughout this directive. If the member being terminated is at squadron level, then "unit commander" means the squadron commander. If the member is on the wing staff, the term "unit commander" refers to the wing commander, etc. For the purpose of this regulation, the term "senior member" includes aerospace education members.

b. The term "approving authority" refers to the officer authorized to take final action on membership termination cases. This is normally the commander of the next higher echelon than the unit recommending termination action (see attachment 1).

Supersedes CAP Regulation 35-3, 1 March 1977.

OPR: DPH

DISTRIBUTION: 4 each Region and Wing; 1 each Sector, Group, Squadron, and Flight

SECTION A - CADETS

3. Causes To Terminate Cadet Membership:

a. Automatic Loss of Membership:

(1) Reaching 21st birthday. National Headquarters will automatically transfer cadets to senior status when the cadets reach their 21st birthdays (unless membership expires during the same month).

(2) Marriage.

(3) Joining the active duty Armed Forces (to include military service academies). The term "active duty Armed Forces" does not include members in the National Guard or Reserves who are not on extended active duty.

(4) Payment of any kind made by bad check to National Headquarters if such check is not redeemed within 60 days of proper notification.

(5) Failure to maintain a satisfactory academic school record.

(6) Loss of the status "admitted for permanent residence" by an alien member other than by acquiring citizenship to the U.S.

(7) Failure to renew.

(8) Voluntary resignation.

b. Failure to progress satisfactorily in the CAP cadet program.

c. Lack of interest demonstrated by failure to attend three successive regular meetings without an acceptable excuse.

d. Misconduct.

e. In addition to the above, it is the prerogative of the unit commander to terminate membership for a cadet who moves to another area, but does not request transfer to a unit in the new locality within a reasonable period of time. Since many cadets who move quite frequently (especially if their parents are members of the Armed Forces) prefer to remain assigned to their parent units, it is emphasized that termination under this condition is not mandatory, but is at the discretion of the unit commander. If the unit commander determines that the cadet cannot successfully participate in the cadet program under these circumstances, the commander will give the departing cadet at least three months in the new locality to affiliate with another unit prior to initiating termination action.

SECTION B - SENIORS

4. Causes To Terminate Senior Membership:

a. Automatic Loss of Membership:

(1) Failure to renew.

(2) Voluntary resignation.

(3) Failure to maintain initial membership eligibility criteria.

(4) Payment of any kind made by bad check to National Headquarters if such check is not redeemed within 60 days of proper notification.

b. Termination for Cause. Senior members whose conduct, behavior, or effectiveness fail to meet the standards of CAP as set forth in paragraph 1 of this regulation shall have their membership terminated for cause. Termination action may be justified by the seriousness of a single incident or by repeated minor incidents, none of which alone would justify termination action. Termination for cause is defined as follows:

(1) Conduct involving moral turpitude.

(2) Conduct unbecoming a member of CAP.

(3) Financial irresponsibility.

(4) Insanity, habitual drunkenness, sexual perversion, or illiteracy.

(5) Habitual failure to perform duty.

(6) Making a false statement to or concerning CAP.

(7) Serious or willful violations of CAP regulations or directives.

(8) Substandard performance of duty over an extended period of time.

(9) Failure to obey rules, regulations, and orders of higher authority.

(10) Insubordination.

(11) Any other conduct, action, or incident which violates the policy set forth in paragraph 1 of this regulation, provided the reason for termination is clearly stated in the letter of notification.

SECTION C - TERMINATION PROCEDURES

5. **Who Initiates Termination Action.** Normally the unit commander of the member should initiate termination action in appropriate cases. However, if a higher headquarters has knowledge of an incident which warrants termination of membership, that headquarters has the prerogative of initiating termination procedures or of advising the individual's commander of the incident and requesting that the commander initiate termination procedures. Also, either members or nonmembers may initiate complaints and refer them to a member's commander. In such cases, the commander will immediately investigate the allegations and will initiate termination action if appropriate. If the investigation discloses no reason for termination of membership, the case will be closed or other action may be administered

according to applicable regulations. A termination action once begun may be withdrawn by the initiating unit commander or the approving authority at any time. Termination procedures on chaplains will not be initiated without first contacting the National Chaplain (HC), Headquarters Civil Air Patrol, Maxwell AFB, AL 36112, in writing, explaining the circumstances and reasons for action. National Headquarters Civil Air Patrol (DP) will coordinate CAP Forms 2B on chaplains with the National Chaplain before final action is taken.

6. Termination Procedures. When a unit commander determines that it is appropriate to terminate an individual's CAP membership, the following procedures will be followed:

a. For reasons not involving misconduct or termination for cause, the unit commander will prepare a CAP Form 2B, "Request for Termination of CAP Membership," in three copies. The original copy will be mailed to National Headquarters; the second copy will be mailed to the member's last known address; and the third copy will be retained in the unit's file.

b. Cadets being terminated for misconduct and senior members being terminated for cause are entitled to the appeal procedures set out in section D hereafter. In such cases, the unit commander will initiate the termination action by notifying the individual by letter (see attachment 2). Commanders should ensure that the notification letter states each appropriate charge and a brief statement of the facts believed to support the charge. Within 10 days of the commander's decision to terminate, the letter of notification should be delivered by personal delivery to the member or a copy mailed by certified mail to the member's residence address as recorded in the membership unit. A copy of the letter will also be sent to the appropriate approving authority.

c. Members not appealing termination of their CAP membership need only to return membership cards and any other CAP property in their possession to the unit of assignment. In such cases, the unit commander will then complete a CAP Form 2B in three copies. The original copy will be forwarded to National Headquarters; the second copy will be forwarded to the appropriate approving authority; and the third copy will be retained in the unit file. NOTE: Section IV of CAPF 2B will include a concise summary of circumstances relative to the termination action.

SECTION D - APPEAL PROCEDURES

7. Member's Appeal Action:

a. Members who wish to exercise their right to appeal the membership termination action must notify the initiating unit commander and the appropriate approving authority by letter stating such intention within 30 days after the postmark on the letter of termination notification. Failure to do so within the 30-day period will forfeit any right of appeal and the termination action will automatically be concluded. The unit commander may in such cases process the CAPF 2B as outlined in 6c above.

b. Upon notification of a proposed termination action, the appellant will be considered in suspended status and will

not be authorized to participate in CAP activities or represent the corporation in any capacity. The appellant will remain in such status until the approving authority takes final action, the termination action is withdrawn, or the appellant is otherwise terminated.

8. Action To Be Taken on Appeal. Normally, within 10 days of the receipt of a timely appeal from a member, the approving authority will appoint an appeal board on orders and name a chairperson thereto to consider the appeal and report its findings. The appeal board will consist of a minimum of three CAP officers, including the chairperson, who should be equal or higher in grade to that of the terminated member. Only those members who can impartially judge the case will be appointed to serve on the appeal board. If the termination action has been initiated by a wing commander, section 29 of the Bylaws requires a regional appeal board composed of a minimum of three officers in the grade of colonel appointed by the regional commander.

9. Appeal Board Procedures:

a. Prehearing:

(1) The initiating unit commander will furnish to the chairperson and to the member a full statement of the circumstances that prompted the termination of membership proceedings, including a copy of the letter of notification and any and all documents pertinent to the case.

(2) The chairperson will set a date and place for the hearing, which normally should not be more than 30 days from the date of the orders appointing the board. The chairperson will then notify the appellant and the initiating unit commander in writing of the time and place of the hearing. Said notice should be given at least 15 days prior to the hearing date.

(3) At the discretion and selection of the chairperson, one other additional CAP officer may be appointed on the same orders as the appeal board to present evidence on behalf of the CAP in the hearing. The utilization of officers with legal training is encouraged. This officer shall be designated as the CAP representative. The CAP representative is not a member of the appeal board, nor a prosecutor, but rather a presenter of the relevant facts to assist the board in arriving at its decision.

(4) The chairperson may, at his or her discretion, delay the established hearing date if requested by the appellant, counsel of the appellant, or the CAP representative.

(5) There is no requirement that a verbatim record be made of the hearing. The chairperson may, however, at his or her discretion, provide for recording devices from CAP resources, or may grant or deny a timely written request of the appellant to furnish his or her own independent recording devices or a court reporter at the proceedings. In the event that the appellant is granted permission to record or transcribe the board proceedings, a copy of any such recording or transcript must be furnished without charge to the chairperson of the appeal board by the appellant within such time period as the chairperson deems appropriate.

b. Hearing Procedures. The duty of the appeal board is to consider all relevant facts presented in the hearing and to make a factual determination of whether or not the termination reasons used by the initiating commander are sustained by the evidence. The normal procedure is to allow CAP to present all of its case first, followed by the appellant's. Rebuttal evidence may be allowed at the discretion of the chairperson. In the board proceedings, both the appellant and the CAP representative will be given the opportunity to:

- (1) Call witnesses on their own behalf (at their own expense).
- (2) Cross-examine witnesses called adverse to their case.
- (3) Present written statements and documents supporting their case.

c. The appellant shall also have the right to appear in person with or without counsel of his or her own selection and shall also have the right to testify in his or her own behalf. The appellant shall also have the right to elect not to appear before the board but rather submit the case in writing with any attached documentation that he or she chooses pertinent to the issues.

d. Appeal board hearings are informal in nature, and the rules of evidence do not apply. The chairperson shall have the right to rule on any questions of relevancy, materiality, or admissibility of witnesses' testimony and documents offered by either side. Witnesses who do testify should be placed under oath administered by the chairperson prior to their testimony. The chairperson will ensure that a full, fair, and impartial hearing shall be conducted, the sole objective of which is the truth of the matters alleged in the letter of notification.

e. Upon completion of the hearing, the appeal board members will go into closed session to make findings of

fact and recommendations. All voting on recommendations will be by majority vote. A board member who dissents from the majority will so indicate in writing. Such dissent must be attached to the formal report of the board and sent to the approving authority.

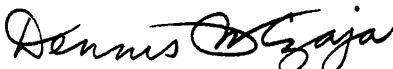
f. The chairperson is responsible for the preparation and forwarding to the approving authority of the report of the appeal board, including any attachments thereto (see attachment 3). The report of the board proceedings should normally be forwarded to the approving authority within 10 days after the close of the hearing.

10. Action by the Approving Authority:

a. The approving authority will review the report of the proceedings and take final action in the case. If the appeal board has recommended retention of the appellant, the approving authority's action may not provide for termination. In the event the appeal board recommends termination, the approving authority may either approve that recommendation or disapprove it, whereby the appellant will be retained in the CAP. The approving authority's action normally will be taken within 10 days after receipt of the appeal board report and the appellant notified by appropriate letter sent by the approving authority. The appellant's commander will also be furnished a copy of the approving authority's action. The decision of the approving authority is final and will not be the basis for any further appeal or complaint.

b. If the approving authority's action provides that the appellant's membership should not be terminated, the proceedings are concluded and no further action is necessary. If the approving authority's action approves the appeal board's recommendation for termination, the appellant's unit commander will complete the CAP Form 2B in three copies as specified in 6c above. A copy of the appeal proceedings will be forwarded to National Headquarters along with the Form 2B.

OFFICIAL



DENNIS W. CZAJA, Major, USAF
Director of Administration

H. W. MILLER, Brig Gen, USAF
Executive Director

3 Atchs

1. Approving Authority for Membership Termination for Cause
2. Termination of CAP Membership, CAPR 35-3
3. Report of Proceedings of the Appeal Board

APPROVING AUTHORITY FOR MEMBERSHIP TERMINATION FOR CAUSE

RULE	A	B
	IF TERMINATION PROCEDURE IS AGAINST	THEN THE APPROVING AUTHORITY IS
1.	National Board Member	National Commander
2.	Region Member	National Commander
3.	Wing Member	Region Commander
4.	Group Commander	Region Commander
5.	Squadron Commander Not Under a Group	Region Commander
6.	Squadron Commander Under a Group	Wing Commander
7.	Group Member	Wing Commander
8.	Squadron Member Not Under a Group	Wing Commander
9.	Squadron Member Under a Group	Group Commander
10.	Flight Member	Group Commander (or Wing Commander if flight is not under a group)

NOTE: If a membership termination action is initiated by National Headquarters, the approving authority will be the National Commander.

SUBJECT: Termination of CAP Membership, CAPR 35-3

TO: _____

1. For the reasons indicated below, I hereby propose to terminate your membership in the Civil Air Patrol. (The reasons should be drawn from paragraphs 3 and 4 of this regulation. Reasons will be explicit, giving times, dates, and places, and will set out any details as concisely as possible.)

EXAMPLE

(for senior member)

a. Reason: CAPR 35-3, paragraph 4b(7). Serious or willful violations of CAP regulations or directives. On 24 February 1980, you hand propped the engine of a corporate owned Cessna 182D, N8703X, without a qualified person at the controls, causing considerable damage to the aircraft and in direct violation of CAPR 60-1, paragraph 2-2.

or

(for cadet member)

b. Reason: CAPR 35-3, paragraph 3d. Misconduct. On or about 4 May 1980, while in a cadet uniform, you engaged in a public altercation with a visiting dignitary from National Headquarters.

2. Upon receipt of this letter, you are in a suspended status and will not be authorized to participate in CAP activities or represent the corporation in any capacity.

3. You have the right to appeal this termination action. If you do not wish to appeal, please return your membership card and all other CAP property in your possession to your unit of assignment.

4. If you wish to exercise your right of appeal, you must submit a letter of appeal in two copies, one copy to (unit commander initiating termination action) and the other copy to (the approving authority), within 30 days from the postmark on this letter; otherwise, no right of appeal exists. Your letter should state in detail the reasons why your membership should not be terminated. Your rights and the appeal procedures are set forth in the attached copy of CAPR 35-3.

(Initiating Unit Commander's Signature)

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CAPR 35-3

REPORT OF PROCEEDINGS OF THE APPEAL BOARD

SUBJECT: Appeal of (Name of Appellant)TO: (Approving Authority)

1. The Appeal Board appointed by orders (copy attached) regarding the appeal of (name of appellant) met at (time), (date), (place). The following members of the Appeal Board were present during the hearing (if any absences, explain fully).

2. The appellant received 15 days written advance notice of the hearing, a copy of which is attached.

3. _____ did (did not) appear before the Board with (or without) his/her counsel, and he/she was (was not) present during all open sessions of the Board. The appellant was afforded full opportunity to cross-examine adverse witnesses, to present evidence in his/her own behalf, and to testify in person or submit a written statement. (An appellant may choose not to make a personal appearance and in lieu thereof to submit statements or documents or to be represented by a counsel who will present evidence. In such a case, the facts should be stated, for example, as follows: (Name) did not appear before the Board but furnished evidence which was placed before the Board and is marked as Exhibit 1, attached.)

4. The allegations made against the appellant are contained in the initial notification letter, a copy of which is attached. A brief summary of the charges and the evidence produced on both sides regarding each charge is as follows:

5. The Board finds the following facts: (A clear and concise statement of facts found by the Board which relates to the reason for termination of membership will be set out. The facts found must support the recommendation made.)

6. Recommendations: (The recommendation will either be for retention of membership or termination of membership).

7. The Board adjourned at (time) on (date) 19 ____.

Chairman

Concur

Member_____
Member

EXHIBITS

Exhibit A - Orders Appointing Board and CAP Representative

B - Advance Notice Letter

C - Initial Notification Letter

D - Minority Report of Board Member (if applicable)

E - Documents Submitted by CAP Representative Supporting Termination Action

I - Any and All Documents Submitted by Appellant